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and for Defendants AEROFLEX INCORPORATED,
AMI SEMICONDUCTOR, INC., MATROX
7 ELECTRONIC SYSTEMS, LTD., MATROX
GRAPHICS, INC., MATROX INTERNATIONAL
8 CORP., MATROX TECH, INC., and
AEROFLEX COLORADO SPRINGS, INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 RICOH COMPANY, LTD.,

14 Plaintiff,

15 vs.

16 AEROFLEX INCORPORATED, AMI
17 SEMICONDUCTOR, INC., MATROX
ELECTRONIC SYSTEMS LTD., MATROX
18 GRAPHICS INC., MATROX
INTERNATIONAL CORP., MATROX TECH,
19 INC., AND AEROFLEX COLORADO
SPRINGS, INC.

20 Defendants.
21

22 SYNOPSYS, INC.,

23 Plaintiff,

24 vs.

25 RICOH COMPANY, LTD.,

26 Defendant.
27
28

Case No. C03-04669 MJJ (EMC)

Case No. C03-02289 MJJ (EMC)

**SYNOPSYS, INC.'S AND DEFENDANTS'
EVIDENTIARY OBJECTIONS TO
DECLARATIONS AND ATTACHED
EVIDENCE FILED IN SUPPORT OF
RICOH'S OPPOSITIONS TO MOTIONS
FOR SUMMARY JUDGEMENT**

1 Plaintiff Synopsys, Inc. and defendants Aeroflex Incorporated, Aeroflex Colorado Springs,
2 Inc., AMI Semiconductor, Inc., Matrox Electronic Systems, Ltd., Matrox Graphics, Inc., Matrox
3 International Corp., and Matrox Tech, Inc. ("the Customer Defendants") hereby object to evidence
4 relied upon by Ricoh Company, Ltd. ("RicoH") in its oppositions to Synopsys' and the Customer
5 Defendants' motions for summary judgment (Nos. 1-8).

6 With regard to RicoH's oppositions to Motions 1-8, as an initial matter, Synopsys and the
7 Customer Defendants object to RicoH's inclusion of entire deposition transcripts as exhibits in all cases
8 where deposition testimony is cited. RicoH included hundreds, if not thousands, of superfluous pages
9 of transcripts, even though in most cases only a few lines of testimony are relied upon in each
10 transcript. Synopsys and the Customer Defendants object to the inclusion of full transcripts where
11 neither party relied on them in full. In addition, Synopsys and the Customer Defendants also reserve
12 the right to object to any testimony included within these transcripts at trial, and have only objected
13 herein to the extent testimony was specifically relied upon.

14 Synopsys and the Customer Defendants likewise object to the inclusion of thousands of pages
15 of documents that do not substantively support RicoH's positions. In support of all of its opposition
16 briefs, RicoH cites to voluminous evidence that does not support its position, and moreover, fails to
17 create any disputed questions of fact. The following examples illustrate a problem that is endemic to
18 RicoH's opposition briefs. For example, Synopsys and the Customer Defendants object to RicoH's
19 evidence cited in footnotes 2 and 3 of RicoH's Opposition to Defendant's Motion No. 3 concerning
20 invalidity and inventorship. Footnote 2 on page 2 of the opposition cites to seven exhibits, comprising
21 over 1000 pages, to support the proposition that Mr. Shindo and Dr. Kobayashi met with a law firm to
22 draft the patent application that issued as the '432 patent. These exhibits, however, do not support the
23 stated proposition. For example, exhibit 74 consists of over 640 pages of specifications for the
24 Knowledge Based Silicon Compiler ("KBSC") that post date the filing date of the '432 patent
25 application by three months. Exhibit 90 is the KBS Corporation business plan, and exhibit 54 is an
26 overview of KBS Corporation. Both exhibits are dated four years after the filing date of the '432
27 patent application. Exhibit 87 is a KBSC reference manual, exhibit 88 is the joint research agreement
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1 between International Chip Corporation and Ricoh, exhibit 89 is a proposal for expansion of KBS
 2 Corporation. These exhibits make no mention of Mr. Shindo, minimal mention of Kobayashi, and do
 3 not support the stated factual proposition. Even cited exhibits 39, the '432 patent application file
 4 history, and exhibit 86, assignment documents for the '432 patent show only that Mr. Shindo was
 5 named as an inventor on the '432 patent. The citations in footnote 2 demonstrate Ricoh's focus on
 6 pure volume to compensate for a lack of substantive evidence.¹

7 Synopsis and the Customer Defendants also object to Ricoh's reliance, for example, on
 8 significant hearsay evidence, including expert reports. Synopsis and the Customer Defendants reserve
 9 the right to object at trial to the admission into evidence of all materials submitted by Ricoh with its
 10 opposition briefs.

11 **Objections To Expert Opinions/Declarations**

12 Synopsis and the Customer Defendants object to Ricoh's expert evidence on many grounds.
 13 The declarations of Dr. Soderman, Dr. Papaefthymiou, and Mr. Lipscomb should be stricken because
 14 they contain opinions beyond those expressed in their expert reports. Mr. Lipscomb's declaration
 15 purports to include further evidence in support of his "simple base" and "single rate" theory" that is not
 16 supported in the law and is beyond the scope of his initial report. *See* Lipscomb Decl., ¶¶ 3-6.

17 In Dr. Soderman's declaration, Dr. Soderman now offers opinions relating to infringement and
 18 invalidity for the first time as well as opinions purporting to support the application of the entire
 19 market value rule – something that was not even hinted at in his expert report. Beyond the testimony
 20 that alleged supports application of the entire market value rule to this case (Soderman Decl., ¶¶56-59),
 21 Dr. Soderman's new opinions include(1) an opinion regarding the meaning of hardware cell as well as
 22 substantial discussion of documents that have long been available to Dr. Soderman but were not

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 24 ¹ The same tactic is used in citations to testimony in footnote 3 on page 3 of the same motion.
 25 Synopsis and the Customer Defendants object on the basis of relevancy, hearsay, lack of personal
 26 knowledge, and lack of foundation to all testimony cited in footnote 3. Footnote 3 cites to nine
 27 deposition transcripts, and rather than pinpointing evidence supporting the proposition for which the
 28 testimony is cited, broad swaths of testimony are cited consisting of over 100 pages at a time in some
 cases. All together, over 700 pages of deposition testimony from four deponents are cited in this one
 footnote. More specific objections, where feasible given Ricoh's imprecise citations, are included
 below.

1 discussed in his expert report as to the details of the Technology Libraries at issue as they relate to
2 infringement of the claim elements identified in Motion 2 (Soderman Decl., ¶¶16-30); (2) opinions
3 regarding the meaning of the phrase “applying rules” as well as opinions regarding whether this claim
4 limitation is met (Soderman Decl., ¶¶ 31-33); (3) opinions regarding the meaning of other claim terms
5 as well as infringement of the other elements identified in Motion 6 (Soderman Decl., ¶¶ 34-49); and
6 (4) an opinion on whether or not the Customer Defendant inputs are “Darringer RTL” (which is also
7 objectionable because it is irrelevant for reasons explained in the RTL motion) (Soderman Decl., ¶¶
8 50-53). As to these new opinions, Ricoh bears the burden of proof at trial and should have come
9 forward with these “new” opinions in its expert report. In addition, Dr. Soderman now identifies new
10 elements it claims are missing from the Kowalski references that were not discussed in his expert
11 report (Soderman Decl., ¶¶ 5-15) and (2) additional opinions regarding Motion 3 that were not
12 identified in his expert report (Soderman Decl., ¶¶ 54-44).

13 Synopsis and the Customer Defendants also object to the expert reports of and declaration of
14 Dr. Soderman on the basis of Federal Rules of Evidence 701, 702, 703, 704, and 802. For example,
15 Dr. Soderman never discussed in his expert reports, or in his declaration, the actual technology
16 libraries used by the Customer Defendants. Thus, there is no basis for his testimony. The same
17 applies to his failure to discuss the actual operation of the Synopsis source code.

18 Synopsis and the Customer Defendants also object to the declaration of Dr. Soderman to the
19 extent that it contains claim construction opinions. Ricoh is judicially estopped from relying on
20 extrinsic evidence, including expert opinions, regarding claim construction. Moreover, in several
21 cases, Dr. Soderman’s opinions, like Dr. Papaefthymiou’s, simply attempt to improperly reconstrue
22 claim terms that this Court has already construed.

23 Synopsis and the Customer Defendants object to the opinions set forth by Dr. Papaefthymiou
24 on the basis of Federal Rules of Evidence 701, 702, 703, 704, 802. Dr. Papaefthymiou had no
25 foundation for either his expert report, or the declaration he submitted to support Ricoh’s oppositions
26 to summary judgment motions. Dr. Papaefthymiou testified on August 11, 2006 that he has never used
27 Design Compiler; has no idea what inputs Design Compiler requests; had not seen a single Customer
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1 Defendant design 11 days prior to his deposition; had never seen the HDL Operators Search Report
2 that formed the basis for his opinion that evidenced all the actions and conditions; had never “read”
3 any of the Customer Defendant transcripts that Ricoh had insisted on; admits that he has no opinion if
4 the Court intended to exclude all RTL; and concedes that his methodology does not even work if
5 applied to the relevant inquiry. (Brothers Decl., Ex. 40 (Papaefthymiou) at 18:23-19:5, 66:17-22, 75:6-
6 24; 99:22-100:15, 124:18-125:3, 171:14-172:3, 175:8-22; 180:23-181:15). Dr. Papaefthymious’
7 testimony, expert report, and declaration are not helpful to a clear understanding of the facts in issue
8 where Dr. Papaefthymiou concedes that his conclusions are not the product of reliable principles and
9 methods. Moreover, Dr. Papaefthymiou’s opinions are also based on hearsay from another of Ricoh’s
10 experts. (Objection No. 37 below). Dr. Papaefthymiou’s opinions are entirely unreliable as a result,
11 and Synopsys and the Customer Defendants object to all alleged evidence emanating from Dr.
12 Papaefthymiou.

13 Synopsys and the Customer Defendants object to the opinion of Mr. Lipscomb on the basis of
14 Federal Rules of Evidence 601, 602, 701, 702, 703, 704, 802. Mr. Lipscomb’s opinion is not based
15 upon personal knowledge, as evidenced by the deposition testimony Ricoh cited on this topic.
16 (Objections 54 & 55 below). Mr. Lipscomb’s opinion is therefore not helpful to a clear understanding
17 of the facts in issue where his conclusions are not the product of reliable principles and methods.
18 Instead, his conclusions are based on hearsay, and facts for which he has no personal knowledge. Mr.
19 Lipscomb’s opinion is accordingly unreliable, and Synopsys and the Customer Defendants object to
20 this alleged evidence.

21 Synopsys and the Customer Defendants reserve the right to move to preclude Ricoh’s experts
22 from testifying at trial based on opinions contained in their declarations and/or expert reports which
23 were submitted with Ricoh’s oppositions and incorporated by reference into Ricoh’s expert
24 declarations.

OBJECTIONS TO EXHIBITS TO THE BROTHERS' DECLARATION

In addition to the general objections and objections to expert opinions set forth above, Synopsys and the Customer Defendants specifically object to the documentary and testimonial evidence as set forth below.

A. DOCUMENTARY EVIDENCE

Objection No.	Exhibit No.	Description	Objections
1	Exhibit 1	Ricoh's Motion to Show Cause, dated February 21, 2006.	FRE 401, 402, & 403. Not relevant. Any probative value is substantially outweighed by potential prejudice.
2	Exhibit 7	Ricoh's Expert Report of Marios Papaefthymiou on Infringement by Aeroflex, dated June 23, 2006.	FRE 701, 702, 703. Dr. Papaefthymiou's expert report is not helpful to a clear understanding of the facts in issue where his conclusions are not the product of reliable principles and methods. His bases of opinion are unreliable where he has never used Design Compiler and he did not review the Customer Defendants' design files.
3	Exhibit 8	Ricoh's Expert Report of Marios Papaefthymiou on Infringement by AMI, dated June 23, 2006.	FRE 701, 702, 703. Dr. Papaefthymiou's expert report is not helpful to a clear understanding of the facts in issue where his conclusions are not the product of reliable principles and methods. His bases of opinion are unreliable where he has never used Design Compiler and he did not review the Customer Defendants' design files.
4	Exhibit 9	Ricoh's Expert Report of Marios Papaefthymiou on Infringement by Matrox, dated June 23, 2006.	FRE 701, 702, 703. Dr. Papaefthymiou's expert report is not helpful to a clear understanding of the facts in issue where his conclusions are not the product of reliable principles and methods. His bases of opinion are unreliable where he has never used Design Compiler and he did not review the Customer Defendants' design files.
5	Exhibit 12	Edward Dwyer Deposition Transcript dated July [sic April] 27, 2006.	FRE 401 & 402. Not relevant to propositions for which it is cited.

6	Exhibit 13	Second Supplemental Product Declaration of Eric Boisvert of Matrox Electronic Systems, dated May 10, 2006.	This is a compound exhibit consisting of at least six separate and distinct documents, not including attachments. The exhibit includes declarations from many persons other than Eric Boisvert.
9	Exhibit 29	Ricoh's Final Infringement Contentions.	FRE 802. Objectionable to the extent that Ricoh is relying on it as "evidence." Ricoh repeatedly cites to the FICs and says that the documents cited within the FICs support their arguments, but they did not submit copies of most of the underlying documents. Synopsys and the Customer Defendants reserve the right to make further objections to the contents at trial.
10	Exhibit 30	DesignWare Technical Bulletin – Oct 97 (RCL 003371-3378).	FRE 901; FRE 1004. The best evidence of how the Design Compiler program functions is the source code to which Ricoh has had access for more than a year, not an unauthenticated document with no corroborating testimony as to what it contains.
11	Exhibit 37	[E]-mail from P. Kasenenko, secretary to Denise De Mory, counsel for Defendants to me and to D. De Mory, dated August 21, 2006.	FRE 901. FRE 401 & 402. Not relevant.
12	Exhibit 40	Deposition Transcript of M. Papaefthymiou Deposition Transcript, dated August 11, 2006.	FRE 701, 702, 703. Dr. Papaefthymiou's testimony is not helpful to a clear understanding of the facts in issue where his conclusions are not the product of reliable principles and methods. His bases of opinion are unreliable where he has never used Design Compiler and he did not review the Customer Defendants' design files.
13	Exhibit 41	U.S. Patent No. 5,696,771.	FRE 401 & 402. This patent is not relevant to the proposition for which it is cited.
14	Exhibit 42	U.S. Patent No. 6,601,024.	FRE 401 & 402. This patent is not relevant to the proposition for which it is cited.
15	Exhibit 52	Darringer Ph.D. Thesis.	FRE 901. FRE 401 & 402. Not relevant to the proposition for which it is cited.
16	Exhibit 69	"Database and Cell Selection Algorithms for VLSI Cell libraries" - Foo/Takefuji (FOO 408-	FRE 401, 402, & 403. This document post dates Dr. Foo's involvement with Dr. Kobayashi, is not relevant, and its probative value is substantially

1		420).	outweighed by the danger of unfair prejudice.
2	17	Exhibit 70	Under the hood of compile.
3			FRE 901; FRE 1004. The best evidence of how the Design Compiler program functions is the source code to which Ricoh has had access for more than a year, not an unauthenticated document with no corroborating testimony as to what it contains.
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6	18	Exhibit 71	KBSC check registers.
7			FRE 901: Handwritten material with no identification of author(s). FRE 401 & 402. Not relevant, particularly to proposition for which it is cited.
8	19	Exhibit 72	Employment/Consulting Agreement (KBSC 2626-2629).
9			FRE 901: This exhibit includes two distinct documents as one exhibit. Neither document is signed, and one document is not dated. FRE 401 & 402. Not relevant.
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11	20	Exhibit 73	“Welcome to R&D at Synopsys, dated 4/18/91, (SP 68723-8730).
12			FRE 901; FRE 1004. The best evidence of how the Design Compiler program functions is the source code to which Ricoh has had access for more than a year, not an unauthenticated document with no corroborating testimony.. FRE 401 & 402. Not relevant to the proposition for which it is cited.
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15	21	Exhibit 74	Documents Bates numbered RCL 001372-1955; 2055-2119.
16			FRE 901. These documents are written predominantly in Japanese and no translation is provided. RCL1372-1389 and RCL1475-1489 were not authenticated by Mr. Oka during his deposition. FRE 401 & 402. Not relevant.
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18	22	Exhibit 75	Foo e-mail (FOO 215).
19			FRE 401 & 402. Not relevant.
20	23	Exhibit 76	Ricoh’s Supplemental Responses to Matrox International Corp.’s Interrogatories 3-11, 27 and 33, dated 7/25/06.
21			FRE 802. Ricoh’s unverified interrogatory responses are hearsay, and no exception applies.
22	24	Exhibit 77	AMIS RTL Handoff Flow (DEF 0018686-689).
23			FRE 401, 402 & 403. Not relevant.
24	25	Exhibit 78	ESNUG 267, which is a document taken from a Synopsys’ Users Group web site, and bates numbered RCL 011420-423.
25			FRE 802: Hearsay. There is no indication that Synopsys is associated with this document. The website address is http://www.deepchip.com . Indeed, the forum’s host states “This here ain’t no ones opinion ‘cept my own.”
26			FRE 401 & 402. Not relevant. Concerns Synopsys’ Behavior Compiler product.
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28	26	Exhibit 81	[E]-mail from E. Andelman
			FRE 901. FRE 401, 402 & 403. Not

		to K. Brothers, dated August 29, 2006.	relevant. FRE 408.
27	Exhibit 92	DesignWare Building Block IP User Guide (SP 71009-1100).	FRE 901; FRE 1004. The best evidence of how the Design Compiler program functions is the source code to which Ricoh has had access for more than a year, not an unauthenticated document with no corroborating testimony as to what it contains. FRE 401 & 402. Not relevant to the proposition for which it is cited.
28	Exhibit 93	sot_tricks.txt	FRE 802. Hearsay. Ricoh relies on the descriptions of SOT tricks in the document, but it's unclear who wrote the document or when. FRE 901; FRE 1004. The best evidence of how the SOT tricks function is the source code, more than a year, not an unauthenticated document with no corroborating testimony as to what it contains.
29	Exhibit 94	Transcript of September 12, 2005 Meet and Confer (Tape 2).	FRE 401 & 402. Not relevant. Also incomplete because only tape 2 is included as an exhibit.
30	Exhibit 95	Library of Congress Webpage (http://www.loc.gov/about/).	FRE 901. FRE 401 & 402. Not relevant.
31	Exhibit 96	[E]-mail from K. Brothers to T. Corbin, dated September 14, 2005, memorializing a stipulation between the parties.	FRE 408. This email constitutes an inadmissible offer to compromise. FRE 401 & 402. Not relevant.
32	Exhibit 97	U.S. Patent No. 5,778,169.	FRE 401 & 402. This patent is not relevant to the proposition for which it is cited.
33	Exhibit 3 to Soderman Declaration.	Cell Library Data Book.	FRE 802. Hearsay. FRE 901. While MGI produced this document, there is no indication that MGI was the author. A non-party Virtual Silicon Technology, Inc. owns the copyright. It is not clear what technology libraries it pertains to.

B. TESTIMONIAL EVIDENCE

Obiection No.	Deponent	Motion No.	Page No. of Motion	Transcript Citation	Objection
34	Papaefthymiou Ex. 40	1	10, 12, 14, 19	89	FRE 601 & 602. Lack of personal knowledge, lack of foundation.
35	Papaefthymiou Ex. 40	1	14	88	FRE 601 & 602. Lack of personal

1						knowledge, lack of foundation.
2	36	Papaefthymiou Ex. 40	1	15	25-26	FRE 901; FRE 1004. Oral evidence of a writing.
3	37	Papaefthymiou Ex. 40	1	19	111	FRE 802. Hearsay. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
4	38	Hanford Ex. 43	1	18	52-53	FRE 401 & 402. Not relevant. Cumulative. FRE 601 & 602. Ms. Hanford is in marketing and lacks insufficeint personal knowledge and foundation for providing a definition of RTL.
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11	39	Gregory Ex. 44	1	18	164	FRE 401 & 402. Not relevant. Cumulative.
12	40	K. Pieper Ex. 45	1	18	41	FRE 401 & 402. Not relevant. Cumulative.
13	41	Tran Ex. 46	1	18	20-21	FRE 401 & 402. Not relevant. Cumulative.
14	42	Adams Ex. 18-19	1	18	18-19	FRE 401 & 402. Not relevant. Cumulative.
15	43	Zepter Ex. 48	1	18	17	FRE 401 & 402. Not relevant. Cumulative.
16	44	Milliken Ex. 49	1	18	224	FRE 401 & 402. Not relevant. Cumulative.
17	45	Chiappini Ex. 50	1	18	81	FRE 401 & 402. Not relevant. Cumulative.
18	46	Kalyanpur Ex. 51	1	18	12	FRE 401 & 402. Not relevant. Cumulative. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
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21	47	Packer Ex. 79	1	18	23-26, 39-40, 55-59, 103-104	FRE 401 & 402. Not relevant. Cumulative.
22	48	Takada Ex. 57	3	2	22-23	FRE 802. Hearsay. Mr. Takada states that he had never heard directly the information conveyed
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25	49	Takada Ex. 58	3	3	222	FRE 601 & 602. Lack of personal knowledge, lack of foundation.
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27	50	Ozeki Ex. 24	3	5	143-44, 148-149	FRE 802. Hearsay. FRE 601 & 602.
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1						Lack of personal knowledge, lack of foundation.
2						
3	51	Oka Ex. 64	3	2	434-35	FRE 802. Hearsay. FRE 401 & 402. Not relevant. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
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6	52	Kobayashi Ex. 23	3	2	367-68	FRE 802. Hearsay. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
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9	53	Warren Ex. 60	6	5	22-25	FRE 401 & 402. Not relevant for the proposition it is intended to support.
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11	54	Lipscomb Ex. 10	7	7, 15, 17	33-35	FRE 802. Hearsay. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
12						
13	55	Lipscomb Ex. 10	7	15	42-43	FRE 802. Hearsay. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
14						
15						
16	56	Lipscomb Ex. 10	7	17	25-26	FRE 802. Hearsay. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
17						
18	57	Ishijima Ex. 16	8	3, 4	92	FRE 401 & 402. Not relevant.
19	58	Ishijima Ex. 17	8	3	116-117	FRE 401 & 402. Not relevant. FRE 601 & 602. Lack of personal knowledge, lack of foundation.
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23 Dated: September 25, 2006

Respectfully submitted,

24 HOWREY LLP

25
26 By: /s/
Denise M. De Mory